

## United States Patent Application

## COMBINED DECLARATION AND POWER OF ATTORNEY

As a below named inventor I hereby declare that: my residence, post office address and citizenship are as stated below next to my name; that

I verily believe I am the original, first and sole inventor (if only one name is listed below) or a joint inventor (if plural inventors are named below) of the subject matter which is claimed and for which a patent is sought on the invention entitled: RETROVIRAL VECTORS

The specification of which

a. ☐ is attached hereto

b. ☒ was filed on \_\_\_\_\_ as application serial no. \_\_\_\_\_ and was amended on \_\_\_\_\_ (if applicable) (in the case of a PCT-filed application) described and claimed in international no. PCT/GB97/02859 filed 17 October 1997 and as amended on \_\_\_\_\_ (if any), which I have reviewed and for which I solicit a United States patent.

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the patentability of this application in accordance with Title 37, Code of Federal Regulations, § 1.56 (attached hereto).

I hereby claim foreign priority benefits under Title 35, United States Code, § 119/365 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on the basis of which priority is claimed:

a. ☐ no such applications have been filed.

b. ☒ such applications have been filed as follows:

FOREIGN APPLICATION(S), IF ANY, CLAIMING PRIORITY UNDER 35 USC § 119			
COUNTRY	APPLICATION NUMBER	DATE OF FILING (day, month, year)	DATE OF ISSUE (day, month, year)
Great Britain	9621679.1	17 October 1996	
ALL FOREIGN APPLICATION(S), IF ANY, FILED BEFORE THE PRIORITY APPLICATION(S)			
COUNTRY	APPLICATION NUMBER	DATE OF FILING (day, month, year)	DATE OF ISSUE (day, month, year)

I hereby claim the benefit under Title 35, United States Code, § 120/365 of any United States and PCT international application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application.

U.S. APPLICATION NUMBER	DATE OF FILING (day, month, year)	STATUS (patented, pending, abandoned)

I hereby claim the benefit under Title 35, United States Code § 119(e) of any United States provisional application(s) listed below:

U.S. PROVISIONAL APPLICATION NUMBER	DATE OF FILING (Day, Month, Year)

I hereby appoint the following attorney(s) and/or patent agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith:

Albrecht, John W.	Reg. No 40,481	Lacy, Paul E.	Reg. No. 38,946
Anderson, Gregg I.	Reg No 28,828	Larson, James A.	Reg. No. 40,443
Ansems, Gregory M.	Reg No 42,264	Lasky, Michael B.	Reg. No 29,555
Batzli, Brian H.	Reg No 32,960	Liepa, Mara E.	Reg. No 40,066
Beard, John L.	Reg No 27,612	Lindquist, Timothy A.	Reg No 40,701
Berman, Charles	Reg No 29,249	Lynch, David W.	Reg No 36,204
Black, Bruce E.	Reg No 41,622	Marschang, Diane L.	Reg. No. 35,600
Blasdell, Thomas L.	Reg No 31,329	McDaniel, Karen D.	Reg. No. 37,674
Bogucki, Raymond A.	Reg No 17,426	McDonald, Daniel W.	Reg No 32,044
Bruess, Steven C.	Reg No 34,130	McIntyre, Iain A.	Reg No 40,337
Byrne, Linda M.	Reg No 32,404	McKenzie Denise L.	Reg No P-43,790
Carlson, Alan G.	Reg. No. 25,959	Mueller, Douglas P.	Reg. No. 30,300
Carter, Charles G.	Reg No 35,093	Nasiedlak, Tyler L.	Reg No 40,099
Caspers, Philip P.	Reg No 33,227	Nelson, Albin J.	Reg. No. 28,650
Chiapetta, James R.	Reg. No. 39,634	Parker, Sandra M.	Reg No. 36,233
Clifford, John A.	Reg No 30,247	Pauly, Daniel M.	Reg No. 40,123
Cochran, William W.	Reg No 26,652	Phillips, John B.	Reg. No. 37,206
Daignault, Ronald A.	Reg No. 25,968	Plunkett, Theodore	Reg No. 37,209
Daley, Dennis R.	Reg No. 34,994	Pytel, Melissa J.	Reg No. 41,512
Dalglish, Leslie E.	Reg No. 40,579	Reich, John C.	Reg. No. 37,703
Daulton, Julie R.	Reg No 36,414	Reiland, Earl D.	Reg. No. 25,767
DeVries Smith, Katherine M.	Reg No. 42,157	Rittmaster, Ted R.	Reg. No. 32,933
DiPietro, Mark J.	Reg No. 28,707	Schmaltz, David G.	Reg. No. 39,828
Edell, Robert T.	Reg. No 20,187	Schuman, Mark D.	Reg. No. 31,197
Epp Ryan, Sandra	Reg. No 39,667	Schumann, Michael D.	Reg. No. 30,422
Farber, Michael B.	Reg No 32,612	Sebald, Gregory A.	Reg No 33,280
Funk, Steven R.	Reg. No 37,830	Skoog, Mark T.	Reg. No. 40,178
Glance, Robert J.	Reg No 40,620	Soderberg, Richard	Reg. No. P-43,352
Golla, Charles E.	Reg No. 26,896	Sumner, John P.	Reg No. 29,114
Gorman, Alan G.	Reg No. 38,472	Sumners, John S.	Reg No. 24,216
Gould, John D.	Reg No 18,223	Tellekson, David K.	Reg No. 32,314
Gregson, Richard	Reg No 41,804	Trembath, Jon R.	Reg No 38,344
Gresens, John J.	Reg No 33,112	Underhill, Albert L.	Reg No 27,403
Hamre, Curtis B.	Reg No. 29,165	Vandenburgh, J. Derek	Reg No 32,179
Hillson, Randall A.	Reg No 31,838	Vradenburgh, Anna M.	Reg No 39,868
Holzer, Jr., Richard J.	Reg No. 42,668	Welter, Paul A.	Reg No 20,890
Johnston, Scott W.	Reg No. 39,721	Whipps, Brian	Reg No 43,261
Kastelic, Joseph M.	Reg No. 37,160	Wickhem, J. Scot	Reg No 41,376
Kettelberger, Denise	Reg No 33,924	Williams, Douglas J.	Reg No 27,054
Knearl, Homer L.	Reg No 21,197	Witt, Jonelle	Reg No. 41,980
Komanduri, Janaki	Reg No 40,684	Wood, Gregory B.	Reg No. 28,133
Kowalchyk, Alan W.	Reg No 31,535	Wood, William J.	Reg No. 42,236
Kowalchyk, Katherine M.	Reg No 36,848	Xu, Min S.	Reg No. 39,536
Kubota, Glenn M.	Reg. No P-44,197		

I hereby authorize them to act and rely on instructions from and communicate directly with the person/assignee/attorney/firm/ organization who/which first sends/sent this case to them and by whom/which I hereby declare that I have consented after full disclosure to be represented unless/until I instruct Merchant, Gould, Smith, Edell, Welter & Schmidt to the contrary.

Please direct all correspondence in this case to Merchant, Gould, Smith, Edell, Welter & Schmidt at the address indicated below:

Merchant, Gould, Smith, Edell,  
Welter & Schmidt  
3100 Norwest Center  
90 South Seventh Street  
Minneapolis, MN 55402-4131

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2  0  1	<b>Full Name Of Inventor</b>	<b>Family Name</b> KINGSMAN	<b>First Given Name</b> Susan	<b>Second Given Name</b> Mary
	<b>Residence &amp; Citizenship</b>	<b>City</b> Islip	<b>State or Foreign Country</b> GREAT BRITAIN	<b>Country of Citizenship</b> GREAT BRITAIN
	<b>Post Office Address</b>	<b>Post Office Address</b> Greystones, Middle Street	<b>City</b> Islip	<b>State &amp; Zip Code/Country</b> Oxon OX5 2SF GREAT BRITAIN
<b>Signature of Inventor 201:</b>			<b>Date:</b>	

  

2  0  2	<b>Full Name Of Inventor</b>	<b>Family Name</b> KINGSMAN	<b>First Given Name</b> Alan	<b>Second Given Name</b> John
	<b>Residence &amp; Citizenship</b>	<b>City</b> Islip	<b>State or Foreign Country</b> GREAT BRITAIN	<b>Country of Citizenship</b> GREAT BRITAIN
	<b>Post Office Address</b>	<b>Post Office Address</b> Greystones, Middle Street	<b>City</b> Islip	<b>State &amp; Zip Code/Country</b> OXON OX5 2SF GREAT BRITAIN
<b>Signature of Inventor 202:</b>			<b>Date:</b>	

## § 1.56 Duty to disclose information material to patentability.

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is canceled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is canceled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

- (1) prior art cited in search reports of a foreign patent office in a counterpart application, and
- (2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.

(b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

- (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim;  
or
- (2) It refutes, or is inconsistent with, a position the applicant takes in:
  - (i) Opposing an argument of unpatentability relied on by the Office, or
  - (ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

- (c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:
- (1) Each inventor named in the application;
  - (2) Each attorney or agent who prepares or prosecutes the application; and
  - (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.
- (d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.